Samuel Fisher 1751 NE Pine Island Rd Suite 155 - #162 Cape Coral, FL 33909 RECEIVED FEDERAL ELECTION COMMISSION

2016 MAY 31 PM 1: 44

May 25, 2016

OFFICE OF GENERAL

Office of General Counsel Federal Election Commission 999 E Street, N.W. Washington, D.C. 20463 Candidate: Allen Ellison

Office: U.S. House of Representatives, District 17, Florida

FEC Candidate ID: H4FL17037 Re: Campaign Finance Issues

Below is a summary of the alleged issues with Mr. Allen Ellison's Congressional Campaign Financial activities from 2014 to 2016. Exhibits are attached and the majority were publically attained via Division of Elections, Department of State Florida and the Federal Election Commission.

### I. Issues:

### A. Issue 1:

- Candidate Allen Ellison, ran for the U.S. House of Representatives, District 17, Florida, in Election Year 2014, see Exhibit A: Statement of Organization: Ellison for Congress and Exhibit B: Federal Candidate Oath from Department of Elections, Florida
- Ellison for Congress Committee was formed on April 29, 2014. See Exhibit C. The document indicates that Allen Ellison for District 17, of Florida is the candidate. The Treasurer is Mr. Warren A. Lewis.
- On May 2, 2014, a check was received by the Florida, Department of State, Division of Elections in the amount of \$10,440.00. The check was from Ellison for Congress Campaign Committee and was signed by Allen Ellison. See Exhibit D.
- 4. On May 8<sup>th</sup>, Mr. Ellison received a letter from the Florida Department of State indicating that . due to incorrect qualifying papers, his candidacy for the U.S. House of Representative seat is not qualified. Included was the the signed check from May 1, 2014. See Exhibit E.

- 5. On April 25, 2016, the FEC website was accessed and a current view of filings for *Ellison for Congress* Committee (C00562421) was brought up. The only contained filing in 2014 was a Statement of Organization (See Exhibit A & Exhibit F).
- 6. On April 25, 2016, the FEC website was accessed and a current view of filings for Candidate: Allen Ellison (id: H4FL17037) were brought up. The only contained filing in 2014 was a Statement of Organization (See Exhibit A & Exhibit G). A statement of Candidacy for 2016 was present and nothing else.

# B. 'Issue 2:

- On February 20<sup>th</sup>, 2016, the Highlands County DEC held its annual Leadership Blue Gala.
   Tickets to this event were sold for \$50. Candidates were gifted tickets for this event. Mr.
   Ellison was given (2) tickets (one for the candidate and one for an associate) to this event for a
   total of \$100.00 in value. Per FEC guidelines, these gifts are considered in kind donations and
   must be accounted for. See Exhibit H.
- On April 25, 2016, the FEC website was accessed and a current view of filings for Allen
   Ellison for Congress Campaign Committee (C00574236) was brought up. The only contained
   filings were two Statement of Organization. No Financial filings were present. (See Exhibit I).
- 1. On April 25, 2016, the FEC website was accessed and a current view of filings for Candidate: Allen Ellison (id: H4FL17037) were brought up. The only contained filing in 2015-2016 was a Statement of Candidacy. No financial filings were present. (See Exhibit A & Exhibit G). A statement of Candidacy for 2016 was present and nothing else.

# C. Issue 3:

- 1. Present at Local DEC offices, including but not limited to Lee County, is campaign literature for Mr. Ellison. See Exhibit J. Said literature was available on .
- 2. On April 25, 2016, the FEC website was accessed and a current view of filings for *Allen Ellison for Congress* Campaign Committee (C00574236) was brought up. The only contained filings were two Statement of Organization. No Financial filings were present. (See Exhibit I).
- 3. On April 25, 2016, the FEC website was accessed and a current view of filings for Candidate: Allen Ellison (id: H4FL17037) were brought up. The only contained filing in 2015-2016 was a Statement of Candidacy. No financial filings were present. (See Exhibit A & Exhibit G). A statement of Candidacy for 2016 was present and nothing else.

### D. Issue 4:

- 1. Present on the Internet, is a campaign website for Allen Ellison, located at www. www.ellisonforcongress.com See Exhibit K.
- 2. On April 25, 2016, the FEC website was accessed and a current view of filings for *Allen Ellison for Congress* Campaign Committee (C00574236) was brought up. The only contained filings were two Statement of Organization. No Financial filings were present. (See Exhibit I).
- 3. On April 25, 2016, the FEC website was accessed and a current view of filings for Candidate: Allen Ellison (id: H4FL17037) were brought up. The only contained filing in 2015-2016 was a Statement of Candidacy. No financial filings were present. (See Exhibit A & Exhibit G). A statement of Candidacy for 2016 was present and nothing else.

# E. Issue 5:

- 1. Allen Ellison's Congressional Campaign contains an official Campaign Facebook Page, located at https://www.facebook.com/Allen-Ellison-For-Congress. This page is publically accessible and includes Mr. Ellison's campaign information as well as campaign announcements. See Exhibit L.
- 2. Located on this the Facebook Page, is a comment from one of Mr. Ellison's supports, a Mr. Sean Declet, wrote a comment on January 1<sup>st</sup>, 2016. Within the comment, Mr. Declet indicates that "Today I took action and set up a monthly donation to Allen Ellison campaign."
- 3. On April 25, 2016, the FEC website was accessed and a current view of filings for *Allen Ellison for Congress* Campaign Committee (C00574236) was brought up. The only contained filings were two Statement of Organization. No Financial filings were present. (See Exhibit I).
- 4. On April 25, 2016, the FEC website was accessed and a current view of filings for Candidate: Allen Ellison (id: H4FL17037) were brought up. The only contained filing in 2015-2016 was a Statement of Candidacy. No financial filings were present. (See Exhibit A & Exhibit G). A statement of Candidacy for 2016 was present and nothing else.

### F. Issue 6:

- 1. Allen Ellison, Candidate for Congress, has a personal Facebook page that contains publicly accessible information. It is located at https://www.facebook.com/allen.l.ellison.5. Much like his official campaign page, this page is publically accessible and includes Mr. Ellison's campaign information as well as campaign announcements. See Exhibit M.
- Located on this the Facebook Page, is a post from Mr. Allen Ellison himself, dated April 17,
   The post by Mr. Ellison asks for financial support through the ActBlue website. Below,
   the post, Mr. Ellison made a comment with the specific ActBlue link for Allen Ellison for

- Congress, which includes a notation that "1 Supporter has contributed \$100." See Exhibit M.
- 3. On April 25, 2016, the FEC website was accessed and a current view of filings for *Allen Ellison for Congress* Campaign Committee (C00574236) was brought up. The only contained filings were two Statement of Organization. No Financial filings were present. (See Exhibit I).
- 4. On April 25, 2016, the FEC website was accessed and a current view of filings for Candidate: Allen Ellison (id: H4FL17037) were brought up. The only contained filing in 2015-2016 was a Statement of Candidacy. No financial filings were present. (See Exhibit A & Exhibit G). A statement of Candidacy for 2016 was present and nothing else.

# II. Governing Rules:

- 1. Once a candidate files a Statement of Candidacy, they must file FEC Form I and subsequent financial reports. 100.72.(b) and 100.131(b).
- 2. A committee must have a treasurer who is responsible for (not limited to) filing complete and accurate reports and statements on time. 101.14(d)
- 3. A contribution is anything of value given, loaned or advanced to influence a federal election. 100.3(a). These include, but are not limited to gifts of money, in kind contributions (a person pays for services on the committee's behalf), and loans. 100.52. For example, the entire amount paid to attend a political fundraiser or vent counts against an individual's contribution limit. 100.53. Personal funds from the Candidate, are not subject to limits, BUT must still be reported. 110.10.
- 4. Date a contribution is made is the date the contributor relinquishes control over it. 110.1(b)(6). For example, an in kind contribution is made on the date that the goods or services are provided by the contributor.
- 5. Expenditure. A purchase, payment, distribution, loan, advance, deposit, or gift of money or anything of value made to influence a federal election. 110.111(a).
- 6. The principal campaign committee must file periodic reports on financial activity until the committee has retired any debts. 102.3(b) and 104.1(a).

# III. Discussion

### a. Issue 1

i. Mr. Ellison should have filed financial filings for his 2014 campaign and committee. Per FEC rules, all candidates for Federal office must document and file any financial contributions received. Per Mr. Ellison's statement of candidacy and Oath, he was considered a Federal Candidate under the Department of State and FEC. As such, all monetary donations received, loans, in kind donations and other contributions must be accounted for. As Exhibit D showed, a check was distributed to the Florida Department of State for the \$10,440 filing fee. The check was draw upon the Ellison for Campaign Committee account. The check was signed by Allen Ellison. The committee shows no financial filings (Exhibit F) nor does Mr. Ellison have any history of contributions. Even so the check was ultimate returned, the intent to distribute the money was there. There should have been a filing showing the sources of the money, and then a filing showing where the money ultimately ended up. In the event the funds were from Mr. Ellison's personal funds, FEC rules still make it necessary to declare the funds (FEC 110.10), as they were used for the advancement of the candidate.

# b. Issue 2

i. Mr. Ellison should have filed financial filings for his 2016 campaign and committee for the in-kind donation received from the Highlands County DEC. Under 100.53, FEC rules indicate that tickets gifted to a political function are to reported as in-kind donations. Mr. Ellison and company were offered tickets valued at \$50 each for the Leadership Blue Gala by the Highlands County DEC, in which they attended said event. Ellison for Congress Campaign Committee shows no filings for said tickets, nor does Mr. Ellison's individual candidate filings (see Exhibits G & I). Other candidates that attended such event, declared their tickets, and Mr. Ellison is held to the same standard as all other candidates by the FEC. Thus Mr. Ellison should have filed financial filings for the received in-kind donations.

# c. Issue 3

i. Mr. Ellison should have filed financial filings showing either the campaign expense and/or kind donation of campaign literature that is used for the *Allen* 

Ellison for Congress campaign. FEC rules dictate that any campaign related expense must be documented. Additionally, any in-kind donations or personal contributions must be accounted for in a campaign. Mr. Ellison and has campaign has distributed campaign literature to DEC offices, such as Lee and Charlotte Counties (see Exhibit J). A review of Ellison for Congress Campaign Committee shows no filings for said literature as an expense or an in-kind donation, nor does Mr. Ellison's individual candidate filings show anything (see Exhibits G & I). In Mr. Ellison utilizing the campaign literature without any filings indicate that the FEC rules are not being followed.

# d. Issue 4

i. Mr. Ellison's campaign should have filed financial filings showing either the campaign expense and/or kind donation for the website design, hosting, and the domain purchase for the Allen Ellison for Congress campaign. FEC rules dictate that any campaign related expense must be documented. Additionally, any in-kind donations or personal contributions must be accounted for in a campaign. Mr. Ellison and his campaign has made the campaign website publically accessible on the Internet (See Exhibit K). A review of various commercial website hosts and offerings leads to a few notations. First, it is possible (but unlikely) to have a website hosted for free. Internet research indicates however that domain names (.com, biz.,etc) are only available for free if the user pays a hosting fee. If not, no companies offer a strictly free domain name that is a .com. Website design is the same, in that some websites offer free general designs, but only if you pay for hosting on their webservers. At minimum Mr. Ellison, should have filings for two of the three items required to host and create a website. A review of Ellison for Congress Campaign Committee shows no filings for said literature as an expense or an in-kind donation, nor does Mr. Ellison's individual candidate filings show anything (see Exhibits G & I). In the event that Mr. Ellison had any of these items donated or done in house, the campaign should at least be listing said items as an in-kind donation at fair market value, per FEC Rule 100.52. In Mr. Ellison creating and disseminating a campaign website without any filings of expenses, indicate that the FEC rules are not being followed.

### e. Issue 5

i. Mr. Ellison's Campaign should have filed financial filings showing monthly donations to the Allen Ellison campaign from a supporter; Mr. Sean Declet. FEC rules dictate that any campaign related donation must be documented. A review of the Facebook entry on Mr. Ellison's official campaign Facebook site, indicates a commitment and a past action of completion, for a monthly donation (see Exhibit L). A review of Ellison for Congress Campaign Committee shows no filings for said literature as an expense or an in-kind donation, nor does Mr. Ellison's individual candidate filings show anything (see Exhibits G & I). Mr. Ellison and his campaign, should have filed financial filings indicating a monthly campaign donation.

# f. Issue 6

i. Mr. Ellison's Campaign should have filed financial filings showing a \$100.00 donation to the Allen Ellison campaign from a supporter via the ActBlue website. FEC rules dictate that any campaign related donation must be documented. A review of the Facebook entry on Mr. Ellison's official campaign Facebook site, indicates a that ActBlue has received at least one donation for Allen Ellison for Congress via a donation of \$100.00 (see Exhibit M). A review of Ellison for Congress Campaign Committee shows no filings for said literature as an expense or an in-kind donation, nor does Mr. Ellison's individual candidate filings show anything (see Exhibits G & I). Mr. Ellison and his campaign, should have filed financial filings indicating a \$100.00 campaign donation.

# IV. Conclusion

In review of the campaign issues above, a disturbing trend is shown. Based on campaign and committee filings, and lack therefore of, Mr. Ellison is not following the FEC Campaign Finance rules. It is not outside the realm of possibility that Mr. Ellison has other undocumented expenses throughout both his Congressional Campaigns. These issues should be taken extremely seriously. According to documents, Mr. Ellison has not filed any financial documents for over two-years. Even if it was a mistake on the part of someone in the

campaign, Mr. Ellison is still responsible to oversee his campaign and the length of time indicates that at minimum, Mr. Ellison has been negligent in his supervision. Based upon the documentation, Mr. Ellison and his campaign did not follow campaign finance rules, which shows a disregard for fairness and a complete breach of public trust. I accordingly ask you to review these issues and take action.

Respectfully,

Samuel Fisher

Complainant

STATE OF FLORIDA COUNTY OF LEE

Sworn to (or affirmed) and subscribed before me on this <u>a7</u> day of <u>May</u> 2016

CARLA J. CURTIS

Notary Public - State of Florida

My Comm. Expires Aug 1, 2017

Commission # FF 041855

NOTARY PUBLIC STATE OF FLORIDA

(Print, type or stamp

Commissioned name of notary)

[x only one]

\_\_Personally known

Produced Identification

Type of Identification Produced:

Florida Driver's License

# 14021231982

# HAND DELIVERED

# FEC FORM 2 STATEMENT OF CANDIDACY



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Democrat House of Representatives FLOI	ida 17th District	
DESIGNATION OF PRINCIPAL CAMPAIG	•	
7. I hereby designate the following named political committee as my Principal Campaign Com-	nmittee for the 20/4 election(s).  (year of election)	
NOTE: This designation should be filed with the appropriate office listed in the instructions.	(Vo=1 0 100 110 11)	
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Ellison for Congress Campaign D.  (b) Address (number and street)	ommittee	· ·
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(c) City, State, and ZIP Code		
Wauchula FL 33873		
DESIGNATION OF OTHER AUTHORIZED	COMMITTEES	
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8. I hereby authorize the following named committee, which is NOT my principal campaign $\propto$	ommittee, to receive and expend funds on be	half of my
candidacy.		
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Received from Senate Public Records Office	Date of Receipt
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JB	4/29/2014
PREPARER (8/2013)	DATE PREPARED

# **FEDERAL CANDIDATE OATH -CANDIDATE WITH PARTY AFFILIATION**

PROSIVED

14 MAY -2 AM 10: 22

DIVISION OF ELECTIONS SECRETARY OF STATE

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(	DATH OF CANDIDATE (Section )	9.021, Florida Statutes)		
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# Exhibition C

# FEOLIA: CLECTION COMPLETE DIVISION

# STATEMENT OF

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Office Use			For further Information of Federal Election Commiss Toll Free 800-424-9530		FEC FORM 1 (Revised 06/2012)

F	EC Fo	rm 1 (Revised 02/2009) F	
		OMMITTEE	
•		Committee:  This committee is a principal campaign committee. (Complete the candidate information below.)	, i , i
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(b)		This committee is an authorized committee, and is NOT a principal campaign committee. (Complete the information below.)	candidate
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(c)		This committee supports/opposes only one candidate, and is NOT an authorized committee.	
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(h)		This committee collects contributions, pays fundraising expenses and disburses net proceeds for two or mo- committees/organizations, none of which is an authorized committee of a federal candidate.	e political
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8. Treesurer: List the name and any designated agent (e.g., a	d address (phone number optional) of the treasurer of the committee; and the name and assistant treasurer).	eddress of
Full Name of Treasurer	REN A. LEWIS	; 
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FEC Form 1 (Revis	sed 02/2009)	Page	4
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DIVISION OF ELECTIONS TAL AHASSEE, FL

ELLISON FOR CONGRESS CAMPATEN COMMITTEE 200/550

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SEBILING, FL. 33876

DATE 5/1/14

PANTO Florida Department of State Division of Elections 1 \$ 10,440.00

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# **Exhibit E**



RICK SCOTT
Governor

**KEN DETZNER**Secretary of State

May 8, 2014

Allen Ellison Candidate for United States Representative (61948) 6100 Praise Avenue Sebring, Florida 33876

Dear Mr. Ellison:

This is to advise you that the qualifying papers received by the Division of Elections were incomplete. Accordingly, you did not qualify as a candidate for the office of United States Representative. Enclosed please find your qualifying check in the amount of \$10,440.

If you have any questions, please do not hesitate to contact this office at 850-245-6280.

Sincerely,

Kristi Reid Bronson, Chief Bureau of Election Records

KRB/rj





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ELLISON FOR CONGRESS CAMPAIGN COMMITTEE
Other Authorized Committee
ALLEN ELLISON FOR CONGRESS CAMPAIGN COMMITTEE

HQFL17037 Committees Related to Candidate Principal Campaign Committee

New Search

CURRENT CANDIDATE INFORMATION Name: ELLISON, ALLEN L (C - CHALLENDER) Office Sought: H . HOUSE Election Year: 2018

State: P. - PLORIDA, District: 17 Party: DEMOCRATIC PARTY

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Exhibit G

# **Exhibit H**

From: Paula House <

Date: February 2, 2016 at 6:58:26 PM EST

To: April Freeman <

Subject: Re: Thank you for your feedback

Speaking Opportunity - Sebring, Highlands County

Dear April,

Our Leadership Blue dinner is scheduled for Feb. 20, evening, and we are extending an invitation to dinner and to speak. Mr. Ellison, who I believe is also running to be the Democratic nominee against Rooney. Time limit will be 5 minutes, with Q & A.

Our featured speaker for the meeting is Val Demings, who is from Orange County. The dinner begins with "happy hour" cash bar at 5:30, followed by dinner and speakers. It will be held at the Elks in Sebring, across from the Kenilworth Hotel, 2618 Kenilworth Blvd. We sponsor dinner for you and one guest.

My telephone number is . For more information on our party here, and the dinner please visit our website a <a href="https://www.hcdem.org">www.hcdem.org</a>.

I hope you can make it!! Please contact me to RSVP.

Paula House Acting Secretary Highlands DEC

4 P

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# Details for Committee ID: Coo574236

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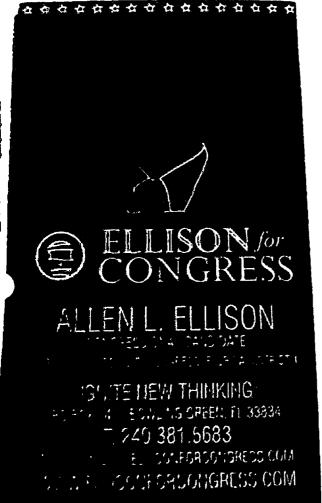
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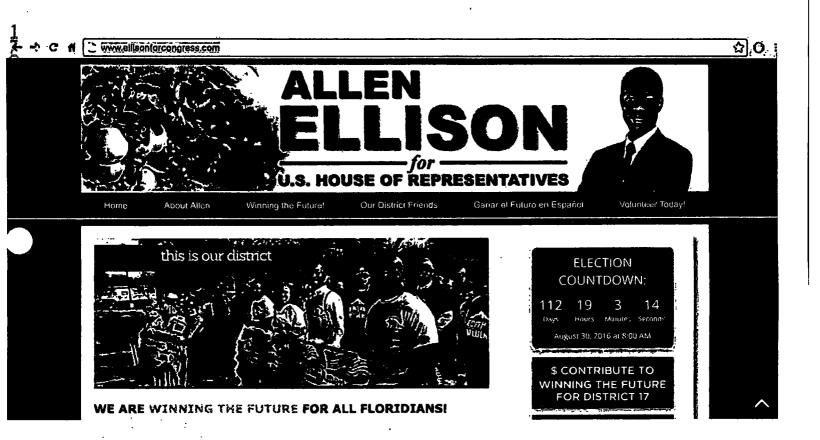


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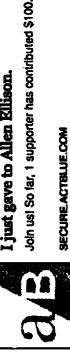
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